

REMARKS

I. Status of the Claims

Claims 1-92 are pending in this application. Claims 46-92 have been withdrawn from consideration due to a Restriction Requirement. No claims have been amended by this Response.

II. Rejections Under 35 U.S.C. § 103

A. Au

The Examiner has maintained the rejection of claims 1-4, 9-20, 22-28, and 30-42 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,872,111 to Au et al ("*Au*") for the reasons disclosed on pages 5-6 of the Office Action. Applicants respectfully traverse this rejection.

In explaining the rejection, the Examiner contends that *Au* discloses, at col. 22, lines 37-47, a composition comprising "buffer salt (hydroxide compound), bleach system (oxidizing agents), and minors (disethylenediamine tetraphosphoric acid). *Office Action*, 6. According to the Examiner, this disclosure demonstrates that *Au* teaches a composition comprising a bleaching system as a main ingredient. Thus, the Examiner concludes that a prime facie case of obviousness has been established. This conclusion is improper.

The Examiner's conclusion of obviousness is incorrect because the Examiner relies on inapplicable disclosures in *Au*. Specifically, the Examiner cites to a disclosure in *Au* relating to a detergent composition to reject the present claims, which are directed to a lathionizing composition. But nothing in *Au* provides any suggestion that a

composition comprising "buffer salt (hydroxide compound), bleach system (oxidizing agents), and minors (disethylenediamine tetraphosphoric acid)" can be used to lanthionize keratin fibers.

Indeed, the only possible reference to the lathionization of keratin fibers is in a laundry list of possible applications for *Au*'s glycosylamide surfactants disclosed in Cols. 31-32. There, it is mentioned that glycosylamide surfactants can be used in hair straightening/relaxing products. But nothing in this passage suggests that the use of ingredients for a detergent composition can be used in a hair straightening/relaxing product. And, more importantly, the Examiner has provided no evidence of such a suggestion. Accordingly, for at least this reason the rejection is improper and should be withdrawn.

B. Au in view of Pyles

The Examiner has also maintained the rejection of claim 29 under 35 U.S.C. § 103(a) in over *Au* in view of U.S. 2001/0008630 A1 to Pyles et. el. ("*Pyles*") for the reasons disclosed on page 6 of the Office Action. Applicants respectfully traverse this rejection.

In the Office Action, the Examiner again contends that *Au* suggests the use of amino acids as a genus and *Pyles* teaches a species of amino acid; thus, there is a motivation to one skilled in the art to incorporate any amino acid including the glutamate compound in *Au*'s composition. *Office Action*, page 6.

The Applicants respectfully disagree with the Examiner's characterization of the *Au* reference. *Au* does not teach amino acids generally. Rather, it specifically discloses

a subgenus of amino acids - essential amino acids. At best, this reference would have only suggested the use of essential amino acids. Thus, for at least this reason, the rejection is improper and should be withdrawn.

C. Au in view of Wella

The Examiner had previously rejected claims 5-8 and 43-45 under 35 U.S.C. § 103(a) as unpatentable over *Au* in view of DE 2014628 to Wella AG ("*Wella*"). In this Office Action, however, the Examiner indicates on the Office Action Summary that these claims are rejected but fails to provide an explanation for the rejection. Applicants respectfully requests that the Examiner explain the disposition of claims 5-8 and 43-45.

III. Conclusion

In view of the above remarks, Applicants request reconsideration and reexamination of the application and the timely allowance of the pending claims.

If there is any fee due in connection with the filing of this Response, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

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